

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ARTURO TORRES OCHOA,

Plaintiff,

v.

EVERS, et al.

Defendants.

Case No. 3:12-cv-00241-MMD-WGC

ORDER

This is a civil rights action submitted by the plaintiff. However, under 28 U.S.C. § 1915(g), Ochoa has been banned from filing actions *in forma pauperis* unless he can show he is in imminent danger of serious physical injury. Ochoa was advised to amend his complaint, if he could, to show such imminent harm. He has not done so. Instead, he has submitted a motion for hearing (dkt. no. 4) and a motion requesting money (dkt. no. 5).


In the motion for hearing, plaintiff reviews some of the issues in other civil rights actions that have long been dismissed and references a 2002 action which alleged harm that had already occurred. This motion does not demonstrate a risk of imminent harm. The motion for money is a request for the Court to give him money to pay the filing fee. Because plaintiff has not amended his complaint or paid the filing fee, the matter shall be dismissed without prejudice. His pending motions shall be denied as moot.

1 **IT IS THEREFORE ORDERED** that the complaint (received May 25, 2012)
2 shall be **FILED**.

3 **IT IS FURTHER ORDERED** that the pending motions (ECF Nos. 4 and 5)
4 are **DENIED AS MOOT**.

5 **IT IS FURTHER ORDERED** that the Complaint is **DISMISSED WITHOUT**
6 **PREJUDICE** for failing to pay the filing fee. The Clerk shall enter judgment accordingly.

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8 DATED THIS 21st day of June 2012.

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12 UNITED STATES DISTRICT JUDGE